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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,722	01/16/2004	Andrew Kilkenny	426.56	6548

27019 7590 09/18/2006

THE CLOROX COMPANY  
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OAKLAND, CA 94623-1305

EXAMINER
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BOYER, CHARLES I

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary  
for Applications  
Under Accelerated Examination**

Application No.

10/758,722

Applicant(s)

KILKENNY ET AL.

Examiner

Charles I. Boyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Since this application has been granted special status under the accelerated examination program,  
**NO extensions of time under 37 CFR 1.136(a) will be permitted and a SHORTENED STATUTORY PERIOD FOR  
REPLY IS SET TO EXPIRE:**

**ONE MONTH OR THIRTY (30) DAYS, WHICHEVER IS LONGER,**  
FROM THE MAILING DATE OF THIS COMMUNICATION – if this is a non-final action or a *Quayle* action.  
(Examiner: For **FINAL** actions, please use PTOL-326.)

The objective of the accelerated examination program is to complete the examination of an application within twelve months from the filing date of the application. Any reply must be filed electronically via EFS-Web so that the papers will be expeditiously processed and considered. If the reply is not filed electronically via EFS-Web, the final disposition of the application may occur later than twelve months from the filing of the application.

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2006.  
2) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 3) ☒ Claim(s) 1, 3, 4, 6-9, 11-23, 25, 26, 28-46, 65 and 66 is/are pending in the application.  
3a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
4) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
5) ☒ Claim(s) 1, 3, 4, 6-9, 11-23, 25, 26, 28-46, 65, and 66 is/are rejected.  
6) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
7) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 8) ☐ The specification is objected to by the Examiner.  
9) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
10) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 11) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This action is responsive to applicants' request for continued examination received July 6, 2006. Claims 1, 3, 4, 6-9, 11-23, 25, 26, 28-46, 65, and 66 are currently pending.

#### ***Specification***

The amendment filed July 6, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "2% or more fragrance" is new matter. Though the specification has a range of fragrance which encompasses 2%, it does not provide explicit basis for 2%. "wherein said composition does not contain alkylbenzene sulfonate surfactant" is new matter. There is no explicit language in the specification for this negative limitation. "57.5% or greater water" is new matter. The upper limit for water in the specification is "less than 99.9%". Applicant is required to cancel the new matter in the reply to this Office Action.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The rejection of claims 1, 8, 9, 12-16, 18, 20, 26, 30, 31, 34, 35, 38-40, 43, 44, 65, and 66 under 35 U.S.C. 102(b) as being anticipated by Kott et al, US 6,303,556 is withdrawn for the present, however, it will be reinstated upon cancellation of the new matter.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3, 4, 6, 8, 9, 11-23, 25, 26, 28, 30-46, 65, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kott et al, US 6,303,556.

Kott et al teach hard surface cleaners comprising 10% citric acid, 2% nonionic surfactant, 8% anionic surfactant, and the balance water wherein the composition has a pH of 3 (col. 92, example 36). The detergent composition is used with a cleaning implement containing a handle, and a removable cleaning pad comprising a scrubbing layer and an absorbent layer comprising a first and second layer (col. 86, lines 19-36). The nonionic surfactants of the invention may be present in amounts as high as 25% and alkyl sulfates are suitable anionic surfactants of the invention (col. 25, lines 31-54). The non-aqueous solvents of the invention may be present in amounts as low as 0.5% (col. 46, lines 4-15). The compositions may also include a bleaching agent (col. 80,

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lines 4-67). Accordingly, It would have been obvious to one of ordinary skill in the art to incorporate well-known additives to hard surface cleaners into example 36 and to adjust the proportions of components within the teachings of the reference.

Note that optional components for use in these hard surface cleaners include perfumes and fragrances and they may be present in amounts as high as 30% (col. 81, line 56-col. 82, line 7). First, persons of ordinary skill in the art are well aware that if a pleasing odor is desired for a hard surface cleaner, a fragrance must be present in an effective amount to achieve this effect, and such an amount is well within the range presently claimed. Furthermore, in view of the teachings of the reference, that perfumes and fragrances may be added in high amounts, it would have been well within the sphere of confidence of one of ordinary skill in the art to add a perfume of fragrance within the proportions presently claimed.

With respect to the composition not containing an alkylbenzene sulfonate surfactant, first, this will become a moot point upon cancellation of the new matter. For the present, though compositions containing alkylbenzene sulfonate are certainly preferred, the reference does contemplate compositions free of this surfactant (col. 87, examples 26J and 26L). Accordingly, it would have been obvious to one of ordinary skill in the art to prepare a composition according to the reference free of alkylbenzene sulfonate and so render obvious the claims at hand.

Claims 1, 3, 4, 6, 8, 9, 12, 13, 16-23, 25, 26, 30-46, 65, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnabas et al, US 6,814,088.

Barnabas et al teach hard surface cleaners comprising up to 3% citric acid, up to 15% alkylpolyglycoside nonionic surfactant, a biguanide biocide, and the balance water (col. 30, claims 1-5, 8, and 11). The detergent composition is used with a cleaning implement containing a handle, and a removable cleaning pad (col. 29, lines 61-65). Preferred pH values of these compositions are as low as 2.5 and organic acids may be present in these compositions in amounts as high as 30% (col. 4, lines 34-67). Anionic surfactants are taught as suitable co-surfactants of the invention (col. 14, lines 37-67). Essential oils such as terpenes and pine oil are taught as suitable additives of the invention, as well as perfumes (col. 17, lines 6-58), and it is taught that cleaning solvents should be purified to improve perfume solubility (col. 16, lines 62-66). The reference, then, has ample teachings that perfumes and essential oils may be present in the composition. The reference does not specifically teach perfumes or essential oils present in an amount of 2% or greater. However, it is obvious to one of ordinary skill in the art to select an effective amount of perfume or essential oils in a hard surface cleaner and such effective amounts overlap the range of 2% or greater presently claimed. Accordingly, it would have been obvious to one of ordinary skill in the art to use a perfume in an amount of at least 1% based on the teachings of the reference.

2. Claims 1, 3, 4, 6-9, 11-23, 25, 26, 28-46, 65, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kott et al, US 6,303,556 in view of Sherry et al, US 6,716,805.

Kott et al are relied upon as set forth above. Kott et al do not teach a disappearing dye. Sherry et al teach hard surface cleaners comprising citric acid,

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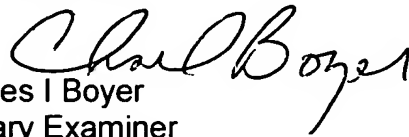
alkylpolyglycoside nonionic surfactant, bleaching agent, antimicrobial agent, as low as 0.25% organic solvent, up to 2% perfume, and the balance water wherein the composition has a pH as low as 1 (col. 75, claim 1). The detergent composition is used with a cleaning implement containing a handle, and a removable cleaning pad comprising a disappearing dye and 2 layers (col. 62, lines 50-64). Based on the teachings of Sherry et al that disappearing dyes are well known in the art for use in cleaning pads, their incorporation into the pad of Kott et al is an obvious design choice to one of ordinary skill in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-Th 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571 272 1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Charles I Boyer  
Primary Examiner  
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